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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,362	11/14/2001	Yoshiharu Sasaki	Q67261	7285

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EXAMINER

PHAM, HAI CHI

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/987,362

Applicant(s)

SASAKI, YOSHIHARU

Examiner

Hai C Pham

Art Unit

2861

-- Th MAILING DATE of this communication appears on the cover sh et with th correspondence address --

Period f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 22 and 28 is/are rejected.
- 7) ☒ Claim(s) 16-21 and 23-27 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1:

- The claim language in claim 1 does not clearly set forth the claimed limitations such that it is not known what the applicant is intended to claim.

Claims 2-10 are dependent from claim 1 above, and are therefore indefinite.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

5. Claims 1-3, 11, 12, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Michelson (U.S. 6,204,874 B1).

Michelson discloses a feeding cassette (tray 4) used in a printing apparatus for automatically loading four or more transfer sheets (donor sheets 9-12) and an image-receiving sheet (receiver sheet 8) onto the same recording medium holding member (drum 1) such that the toner layer of the transfer sheet may be brought into contact with the image-receiving layer of the image-receiving sheet. A plurality of sets comprising the receiver sheet and the plurality of donor sheets are stacked in order of feed to the drum with the top sheet of each of the sets being the receiver sheet (Fig. 2). The sets of receiver sheet and donor sheets can also be prepackaged in a box with a large number of sets in each box (col. 4, lines 9-15).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 5/4, 13, 14/13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michelson.

Although Michelson does not explicitly disclose the image-receiving layer of the receiver sheet and the toner layer of the transfer sheet being disposed in opposite directions, the fact that the receiver sheet and the transfer sheets are grouped in stack in the feeding cassette to be automatically fed onto the drum such that the receiver sheet is disposed in a close contact with the donor sheet would suggest such disposition of the image-receiving layer of the receiver sheet and the toner layer of the transfer sheet, e.g., to be in opposite directions, in order to facilitate the transfer of toner onto the receiver sheet under the exposure of the laser beam.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to arrange the stacking of the sets of the receiver sheet and transfer sheets in the device of Michelson such that the image-receiving layer of the receiver sheet and the toner layer of the transfer sheet are disposed in opposite directions for the purpose of facilitating the transfer of toner onto the receiver sheet under the exposure of the laser beam.

8. Claims 5/1-5/3, 8, 10, 14/11, 14/12, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michelson in view of Taylor, Jr. et al. (U.S. 6,365,305 B1).

Michelson discloses all the basic limitations of the claimed invention except for the interleaving sheet being inserted between every adjacent recording media.

However, Taylor, Jr. et al. discloses a laser-induced thermal transfer method and apparatus for forming color image on a receiving element from a donor element, which includes a package containing the receiver element (20) and donor element (10) with an interleaving sheet present between each of the specified elements to be loaded together into a cassette such that the sheets are automatically loaded in order onto the drum (70) to be exposed by the exposure engine (col. 29, lines 53-60 and col. 34, lines 27-35).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate interleaving sheets as taught by Taylor, Jr. et al. in the Michelson device. By doing so, it would provide better separation of the different sheets at the time of loading of the sheets into the exposure engine as well as better protection of the different sheets in the package.

9. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Michelson in view of Baek et al. (U.S. 5, 754,218).

Michelson discloses all the basic limitations of the claimed invention except for the recording head moving in the direction perpendicular to the moving direction of the drum.

Regardless, the structure of the printing device of Michelson in Fig. 2 would suggest such movement of the print head (3) along the axial direction of the drum (1) in order to expose the recording media width wide, as evidenced by Baek et al., which shows a more detailed structural printing device (Fig. 1), in which the print head (14) is

moved perpendicular to the movement of the drum (12) while exposing the set of recording media consisting of a receiver member (36) and donor member (38) disposed in a close contact on the surface of the drum.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the device of Michelson with the aforementioned teaching of Baek et al. for the purpose of performing imagewise exposure of the total imaging surface of the recording media.

Allowable Subject Matter

10. Claims 6, 7, 9, 16-21, 23-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 6, 7, 9 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in this Office action.

12. The following is a statement of reasons for the indication of allowable subject matter: none of the prior art discloses the claimed features related to a package or a feeding cassette in a printing device, which contains sets of stacked image-receiving sheet and transfer sheets, either including interleaving sheets being disposed between each adjacent sheets such that an extension of the interleaving sheets is extended outward one side of the sets of the recording sheets, or a cushioning material for restraining movement of the recording sheets in the cassette body.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai C Pham whose telephone number is (703) 308-1281. The examiner can normally be reached on T-F (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin R. Fuller can be reached on (703) 308-0079. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722, (703) 308-7724, (703) 308-7382, (703) 305-3431, (703) 305-3432 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



HAI PHAM
PRIMARY EXAMINER

November 15, 2002